

one-fourth inch from the end of the thermometer, which defects are not normal to clinical thermometers.

DISPOSITION: November 6, 1951. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

3591. Misbranding of Sacrasol capsules. U. S. v. 43 Bottles, etc. (F. D. C. No. 29100. Sample No. 75706-K.)

LABEL FILED: May 4, 1950, Southern District of Iowa.

ALLEGED SHIPMENT: On or about March 10, 1950, by Edwin K. Osmun, a member of the firm of Physicians' Ethical Products, from Chicago, Ill.

PRODUCT: 43 100-capsule bottles of *Sacrasol* at Marshalltown, Iowa, together with circulars entitled "Sacrasol In Diabetes Mellitus" and "What Is Sacrasol?" a card entitled "Announcement," and a letter dated March 8, 1950, on the letterhead of Physicians' Ethical Products, which was signed "E. K. Osmun."

LABEL, IN PART: "Sacrasol Active Ingredients Syzygium, Vesicaria, Rhus, Aromatics, Apis Virus, Lithium Benzoate, Phosphoric Acid (Dilute), Uranium Nitricum, 1/1000 Gr. per Cap. Thiamin Hydrochloride * * * Distributed by Physicians' Ethical Products 1746 W. 69th St. Chicago 36."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in the above-mentioned circulars, card, and letter, were false and misleading. These statements represented and suggested that the article was an effective treatment for diabetes, itching skin, excessive thirst, and abnormal appetite associated with diabetes; for preventing toxic build-up in the liver or kidneys; for correcting dysfunctions in the carbohydrate metabolism; for disposing of excess sugar in the blood and urine; for diabetic ulcerations; and for weakness, emaciation, enuresis due to atony, hematuria, cystitis, all forms of urinary and kidney difficulties, nephralgia, dropsy, flatulence, diarrhea, periosteal inflammation, abscesses, gangrene, gout, and nettle rash. The article was not an effective treatment for such conditions.

DISPOSITION: On September 22, 1950, Edwin K. Osmun and Charles M. Haft, trading as Physicians' Ethical Products, having filed a motion for the removal of the case to the Northern District of Illinois and an oral argument having been heard in the matter, an order was entered overruling the motion and directing that the case be transferred to the Northern District of Indiana.

On October 15, 1951, the United States District Court for the Northern District of Indiana made an order finding that it had no jurisdiction and remanded the case to the court of original jurisdiction. Thereafter, on November 8, 1951, no one having appeared in the case following its transfer to the Northern District of Indiana or its return to the Southern District of Iowa, a decree was entered by the United States District Court for the Southern District of Iowa, providing for condemnation and destruction of the product.

*See also Nos. 3582, 3583, 3585, 3588-3590.